

absorbable material is mixed with a resin material and the mixture is molded to form said first and second gas absorbable members, and said first and second gas absorbable members are inserted between the outermost layer of said outer covering member and at least one or more planes of said battery element.

#### REMARKS

Claims 1-11 are pending in the application. In the Office Action of May 14, 2003, the Examiner made the following disposition:

- A.) Rejected claim 5 under 35 U.S.C. §112, second paragraph.
- B.) Rejected claims 1-6 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.*
- C.) Rejected claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *WO95/13629* in view of *Bullock* and further in view of *Kamauchi et al.*

Applicants respectfully traverse the rejections and address the Examiner's disposition below.

A.) Rejection of claim 5 under 35 U.S.C. §112, second paragraph:

Claim 5 has been amended as per the Examiner's request to overcome the rejection. Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKING TO SHOW CHANGES MADE."

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

B.) Rejection of claims 1-6 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.*:

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1, as amended, claims a nonaqueous electrolyte battery comprising a battery element contained in an outer covering member composed of a laminated film and sealed therein by heat seal. The laminated film has a first outer covering member and a second outer covering member. The first outer covering member has a recess accommodating the battery element. The second outer covering member extends from one side of the first outer covering member and is adapted to fold onto the first outer covering member covering the battery element and recess. The first outer covering member and the second outer covering member are

a single piece of material. (See, Figures 1 and 2).

This is clearly unlike *Chaloner-Gill* in view of *Bullock et al.* To begin with, *Chaloner-Gill* fails to disclose Applicants' claimed first and second outer covering members made of a single piece of material. Referring to *Chaloner-Gill* Figures 3 and 4, *Chaloner-Gill* discloses two panels (two pieces of material) 30 and 31 that are adjacent each other and sealed together at a heat seal 34. When the two panels 30 and 31 are heat sealed, their interior layers 36 and 38 seal together as shown in Figure 4. Thus, unlike Applicant's claim 1 that claims a single piece of material folded over onto itself, *Chaloner-Gill* discloses two pieces of material that are heat sealed together.

Further, unlike Applicants' claim 1, *Chaloner-Gill* fails to disclose or suggest a first outer covering member having a recess accommodating a battery element. Instead, *Chaloner-Gill* merely discloses two flat panels 30 and 31 that both flex around a battery element. This is shown, for example, in *Chaloner-Gill* Figures 3 and 4.

Referring to *Bullock* Figure 2, *Bullock* discloses a bag 20 of gelled desiccant. The bag 20 is sealed at seals 26 at both ends. Thus, unlike Applicants' claim 1, *Bullock* fails to disclose or suggest a laminated film that has a first outer covering member and a second outer covering member. Further, *Bullock* fails to disclose or suggest a first outer covering member having a recess accommodating a battery element. Further, *Bullock* fails to disclose or suggest a second outer covering member that extends from one side of the first outer covering member and is adapted to fold onto the first outer covering member covering the battery element and recess. Instead, *Bullock* merely discloses a bag 20 that is sealed at both ends 26.

Therefore, *Chaloner-Gill* in view of *Bullock* fails to disclose or suggest claim 1.

Claims 2-6 and 11 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

C.) Rejection of claims 7-10 under 35 U.S.C. §103(a) as being unpatentable over *Chaloner-Gill* in view of *Bullock et al.* and further in view of *Kamauchi et al.*:

Applicants respectfully disagree with the rejection.

Applicants' independent claim 1 is allowable over *Chaloner-Gill* in view of *Bullock et al.* as discussed above. *Kamauchi et al.* still fails to disclose or suggest Applicants' claimed laminated film having first and second outer covering members. Therefore, *Chaloner-Gill* in view of *Bullock et al.* and further in view of *Kamauchi et al.* still fails to disclose or suggest claim 1.

Claims 7-10 depend directly or indirectly from claim 1 and are therefore allowable for at least the same reasons that claim 1 is allowable.

Applicants respectfully submit the rejection has been overcome and request that it be withdrawn.

#### CONCLUSION

In view of the foregoing, it is submitted that claims 1-11 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE****In the Claims:**

Please amend claims 1 and 5 as follows:

1. (Three Times Amended) A nonaqueous electrolyte battery comprising:
  - a battery element contained in an outer covering member composed of a laminated film and sealed therein by heat seal;
  - a gas absorbable material and resin material interposed between an outermost layer of said outer covering member and said battery element, a content of the gas absorbable material being in a range of 0.1wt% to 95wt% on a basis of a weight of the resin material;
  - a first gas absorbable member positioned at a first side of the battery element; and
  - a second gas absorbable member positioned at a second side of the battery element opposite the first side;

said laminated film having a first outer covering member and a second outer covering member;

said first outer covering member having a recess accommodating the battery element;

said second outer covering member extending from one side of the first outer covering member and folded onto the first outer covering member covering the battery element and recess;

said first outer covering member and said second outer covering member are a single piece of material.
5. (Amended) A nonaqueous electrolyte battery according to claim 1, wherein said gas absorbable material is mixed with a resin material and the mixture is molded to form [a] said first and second gas absorbable [member] members, and said first and second gas absorbable [member is] members are inserted between the outermost layer of said outer covering member and at least one or more planes of said battery element.

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 27, 2003.

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